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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,961	01/11/2002	Debora Margaret Hejzza Litwiller	D/A1313	6687

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EXAMINER

PITARO, RYAN F

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/042,961

Applicant(s)

LITWILLER, DEBORA MARGARET  
HEJZZA

Examiner

Ryan F Pitaro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,3,5,7-15 and 46-68 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,5,7-15,46-68 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims 1,3,5,7-15,46-68 are have been examined.

### *Response to Amendment*

2. This communication is responsive to Amendment A, filed 3/21/2005.
3. Claims 1,3,5,7-15,46-68 are pending in this application. Claims 1,48,66 are independent claims. In the Amendment A, Claims 2,4,6,16-45 were canceled, and Claims 46-68 were added as new. This action is made Final.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1,3,9-10,13-15,47-53,57-60,62-65,67-68 are rejected under 35 U.S.C. 102(b) as being anticipated by Sanchez et al ("Sanchez", US 6118546).

As per independent claim 1, Sanchez discloses in an apparatus arranged for modifying a message prior to sending the message to a receiver, the message including a plurality of parameters, each parameter of the plurality of parameters having a value (Figure 11); the apparatus comprising a message control unit, a display unit and a user input/output device arranged to display information to a user of the apparatus (Figure2,

Column 3 lines 6-10), such displayed information including the current parameter values of the plurality of parameters (Figure 11); the message control unit, display unit and the user input/output device further arranged for the user to access and control the current parameter values of the plurality of parameters; (Column 3 lines 6-11; *using the GUI and input devices*) a method for modifying the message prior to sending the message to the receiver, the method comprising by the apparatus, and for each parameter of the plurality of parameters: (a) displaying a plurality of choices of parameter values for the each parameter to the user (Figure 11), (b) when the user selects a particular parameter value from the displayed plurality of choices of parameter values, determining the user's selection, thus forming a selected parameter value for the each parameter (Figure 11); and modifying the corresponding parameter value of the each parameter based on the selected parameter value (Figure 11) and wherein each parameter of the plurality of parameters is based on the receiver (Column 9 lines 49-56, Figure 11; send fax).

As per claim 3, which is dependent on claim 1, Sanchez discloses a method further comprising retaining the corresponding parameter default value when the user does not make a selection based on the displayed plurality of choices of parameter values (Figure 11; inherent that the radio buttons are set with a default value).

As per claim 9, which is dependent on claim 1, Sanchez discloses a method comprising a facsimile message (Figure 10).

As per claim 10, which is dependent on claim 1, Sanchez discloses a method further comprising a subsequent step, by the apparatus of sending the message (Figure 9; send fax).

As per claim 13, which is dependent on claim 1, Sanchez discloses a method further comprising an image forming device (Figure 2).

As per claim 14, which is dependent on claim 1, Sanchez discloses a method further comprising a facsimile machine (Figure 2).

As per claim 15, which is dependent on claim 1, Sanchez discloses a method further comprising a printing machine (Figure 2).

As per claim 47, which is dependent on claim 1, Sanchez discloses a method wherein the user input/output device including input buttons or other input devices, and the step (b) of determining the user's selection of a particular parameter value being based on the user activating an included input button or other input device (Figure 11, radio buttons selected through the user of keyboard/mouse).

Claims 48,49,50 are similar in scope to that of claim 1, and are therefore rejected under similar rationale.

Claims 51,52,53 are similar in scope to that of claim 3, and are therefore rejected under similar rationale.

Claims 57,58,59 are similar in scope to that of claim 47, and are therefore rejected under similar rationale.

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As per claim 60, which is dependent on claim 48, Sanchez teaches a first parameter comprising a receiver resolution parameter that is based on the receiver (Figure 11).

As per claim 62, which is dependent on claim 50, Sanchez teaches a third parameter comprising a paper size parameter that is based on the receiver (Figure 11).

Claims 63,67 are similar in scope to that of claim 14, and are therefore rejected under similar rationale.

Claims 64,68 are similar in scope to that of claim 15, and are therefore rejected under similar rationale.

Claim 65 is similar in scope to that of claim 10, and is therefore rejected under similar rationale.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5,7-8,11-12,46,54-56,61,66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanchez et al ("Sanchez", US 6118546) in view of Unno ("Unno", US 6437875).

As per claim 5, which is dependent on claim 1, Sanchez fails to distinctly point out an LCD screen. However, Unno teaches the step of displaying a plurality of choices of parameter values being performed by means of an included LCD display screen (Column 7 lines 8-11). Therefore it would have been obvious to an artisan at the time of the invention to combine the method of Sanchez with the teaching of Unno. Motivation to do so would have been to conserve space as opposed to traditional CRT monitor. ✓

As per claim 7, which is dependent on claim 1, Sanchez discloses a plurality of parameters comprising a receiver resolution (Figure 11) and a receiver paper size (Figure 11). Sanchez fails to particularly point out a receiver compression. However, Unno teaches a plurality of parameters including a receiver compression (Column 13 lines 30-33). Therefore it would have been obvious to an artisan at the time of the invention to combine the method of Sanchez with the current teaching of Unno. Motivation to do so would have been to provide the ability to control compression settings so that a particular format could be specified for different images.

As per claim 8, which is dependent on claim 1, Sanchez-Unno teaches a message comprising an e-mail message (Unno, Column 11 lines 1-3).

As per claim 11, which is dependent on claim 10, Sanchez-Unno teaches a step of sending the message comprising transmitting the message to the remote receiver by means of a communication network (Unno, Column 5 lines 13-24).

As per claim 12, which is dependent on claim 11, Sanchez-Unno teaches the communication network comprising an internet (Unno, Column 5 lines 20-24, Column 14 lines 62-67).

As per claim 46, which is dependent on claim 1, Sanchez-Unno teaches the display unit including a touch-sensitive or touch screen display unit, and the step of determining the user's selection of a particular parameter value being based on the user touching an included touch-sensitive portion of the screen display (Unno, Column 7 lines 8-11).

Claims 54,55,56 are similar in scope to that of claim 46, and are therefore rejected under similar rationale.

As per claim 61, which is dependent on claim 49, Sanchez-Unno teaches the second parameter comprising a receiver compression parameter that is based on the receiver (Unno, Column 13 lines 30-33).

Claim 66 is a combination of claims 1,3,7,46 and is similar in scope, therefore claim 66 is rejected under similar rationale.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1,3,5,7-15,46-68 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan F Pitaro whose telephone number is 571-272-4071. The examiner can normally be reached on 7:00am - 4:30pm M-Th, and alternating F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 571-272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

*Kristine Kincaid*  
KRISTINE KINCAID  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ryan Pitaro  
Art Unit 2174  
Patent Examiner

RFP